

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICHARD WAYNE McELHANEY,

Plaintiff,

v.

3:05-cv-475

WARDEN JIM WORTHINGTON
and STATE OF TENNESSEE,

Defendants.

MEMORANDUM AND ORDER

This is a *pro se* prisoner's civil rights complaint under 42 U.S.C. § 1983, which is scheduled for a non-jury trial. The matter is before the court on several motions filed by the plaintiff.

Plaintiff has filed a motion for relief from judgment, with respect to the court's initial order. In that order, the court dismissed as a defendant "C.M.S." because plaintiff failed to identify who or what "C.M.S." is. Plaintiff now identifies "C.M.S." as "Correctional Medical Services," which plaintiff claims is a private entity that contracts with the State of Tennessee to provide medical care to state inmates. Plaintiff moves to reinstate "C.M.S." as a defendant. The motion for relief from judgment [Court File No. 11] is **GRANTED** to the extent "C.M.S." is reinstated as a defendant. The Clerk is **DIRECTED** to send plaintiff a service packet for the defendant.

Plaintiff has filed a request for entry of default against defendants Jim Worthington and the State of Tennessee. These defendants having timely filed their answer to the complaint, the request for entry of default [Court File No. 13] is **DENIED**.

Plaintiff has filed a motion for a temporary restraining order, which is based upon his contention that the defendants have failed to respond to the complaint. As noted, the defendants have filed their answer. Accordingly, the motion for a temporary restraining order [Court File No. 14] is **DENIED**.

E N T E R:

s/ James H. Jarvis
United States District Judge